

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 04-248
Table of Allotments,)	RM-10990
FM Broadcast Stations.)	
(Big Pine Key, Florida))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: March 2, 2005**Released: March 4, 2005**

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division considers herein the *Notice of Proposed Rule Making* ("Notice"),¹ issued at the request of Call Communications Group ("Petitioner"), requesting the reservation of vacant Channel 239A at Big Pine Key, Florida for noncommercial educational ("NCE") use. No comments or counterproposals were received in response to the *Notice*.

2. The *Notice* proposed the reservation of vacant Channel 239A at Big Pine Key, Florida for NCE use at reference coordinates 24-40-00 NL and 81-21-00 WL. No comments were filed by the Petitioner showing a continuing expression of interest in the proposed NCE reservation of vacant Channel 239A at Big Pine Key, Florida.

3. A showing of continuing interest is required before a channel will be reserved for NCE use in compliance with the *Appendix* to the *Notice*. The Commission will not reserve a channel for NCE use to a community absent an expression of interest. As such, we are dismissing the Petition for Rule Making because comments were not received from the Petitioner supporting the reservation of vacant Channel 239A at Big Pine Key, Florida, or any other party.

4. This document is not subject to the Congressional Review Act. (The Commission, is, therefore, not required to submit a copy of this Report and Order to GAO, pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A) because the proposed rule was dismissed.

5. Accordingly, IT IS ORDERED, That the Petition for Rule Making filed by Call Communications Group, IS DISMISSED.

6. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

¹ *See Big Pine Key, Florida*, 19 FCC Rcd 12789 (MB 2004).

7. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
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